

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

UNITED SERVICES AUTOMOBILE
ASSOCIATION,

Plaintiff,

v.

PNC BANK N.A.,

Defendant.

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CASE NO. 2:20-CV-00319-JRG-RSP

ORDER

Before the Court are five motions for summary judgment:

- Motion for Partial Summary Judgment of No Willful Infringement Prior to November 2019 filed by Defendant PNC Bank N.A. (“PNC”), Dkt. No. 312;
- Motion for Summary Judgment Regarding PNC’s Affirmative Defense of Unclean Hands filed by Plaintiff United Services Automobile Association (“USAA”), Dkt. No. 321;
- Motion for Partial Summary Judgment That the USPTO Allowed the ‘605 and ‘681 Patents to Claim a Priority Date of October 31, 2006 filed by USAA, Dkt. No. 328;
- Motion for Summary Judgment of Lack of Enablement Under 35 U.S.C. § 112(1) filed by PNC, Dkt. No. 318;
- Motion for Summary Judgment That Deposit@Mobile Practices the ‘571, ‘605, and ‘681 Patents filed by USAA, Dkt. No. 327.

On April 29, 2022, Magistrate Judge Payne entered Report and Recommendations (Dkt. No. 620), recommending denial of PNC’s Motion for Summary Judgment (Dkt. No. 312) and denial of USAA’s Motions for Summary Judgment (Dkt. Nos. 321, 328). Also on April 29, 2022, Magistrate Judge Payne entered a Report and Recommendation (Dkt. No. 621), recommending denying PNC’s Motion for Summary Judgment of Lack of Enablement (Dkt. No. 318). Finally, on May 1, Magistrate Judge Payne entered a Report and Recommendation (Dkt. No. 622) recommending denial of USAA’s Motion for Summary Judgment concerning USAA’s Deposit@Mobile (Dkt. No. 327). USAA has filed Objections to Magistrate Judge Payne’s recommendation regarding the Deposit@Mobile (Dkt. No. 651) and Magistrate Judge Payne’s


recommendation regarding unclean hands (Dkt. No. 652). Neither party objects to the other Report and Recommendations.

After conducting a *de novo* review of the briefing on the Motions for Summary Judgement (Dkt. Nos. 321, 327), the Report and Recommendations, and the briefing on USAA's Objections, the Court agrees with the reasoning provided within the Report and Recommendations and concludes that the Objections fail to show that the Report and Recommendations were erroneous. Consequently, the Court **OVERRULES** USAA's Objections and **ADOPTS** the Report and Recommendations (Dkt. Nos. 620, 621, 622). Because neither party filed objections as to the other motions for summary judgment, the Court **ORDERS** as follows:

- Motion for Partial Summary Judgment of No Willful Infringement Prior to November 2019 filed by PNC (Dkt. No. 312) is **DENIED**;
- Motion for Summary Judgment Regarding PNC's Affirmative Defense of Unclean Hands filed by USAA (Dkt. No. 321) is **DENIED**;
- Motion for Partial Summary Judgment That the USPTO Allowed the '605 and '681 Patents to Claim a Priority Date of October 31, 2006 filed by USAA (Dkt. No. 328) is **DENIED**;
- Motion for Summary Judgment of Lack of Enablement Under 35 U.S.C. § 112(1) filed by PNC (Dkt. No. 318) is **DENIED**;
- Motion for Summary Judgment That Deposit@Mobile Practices the '571, '605, and '681 Patents filed by USAA (Dkt. No. 327) is **DENIED**.

So Ordered this

May 6, 2022



RODNEY GILSTRAP
UNITED STATES DISTRICT JUDGE